

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

In re Asbestos Products Liability Litigation (NO. VI)

MDL 875

**JEANETTE MORRIS, individually and as
Personal Representative on behalf of the
Estate of Michael Morris,**

Plaintiff,

-vs-

Case No. 94-C-216

CBS CORPORATION,

Defendant.

DECISION AND ORDER

After extensive pre-trial proceedings as part of MDL-875 in the Eastern District of Pennsylvania, this matter was remanded to the Court in a trial-ready posture. After the remand, the Court held a status conference, in which the parties disagreed on the nature and extent of proceedings prior to trial. The Court requested further briefing on these issues, which are now before the Court for decision.

The remaining defendant, CBS Corporation, argues that it should be allowed to conduct expert and fact discovery and to file case-dispositive motions in limine. However, the MDL court already denied CBS's motion to re-open discovery. Moreover, CBS was subject to a pre-trial scheduling order that directed the parties to file all potentially dispositive motions, including motions in limine that could have a case-

dispositive effect, before the MDL court. As Magistrate Judge Crocker noted in a remanded case from the same MDL court, the “entire point of transferring this case to the MDL court was for ‘consolidated and coordinated pretrial proceedings.’ . . . [T]he purposes of this transfer or ‘centralization’ process are to avoid duplication of discovery, to prevent inconsistent pretrial rulings, and to conserve the resources of the parties, their counsel and the judiciary.” ECF No. 100-9, *Bushmaker v. Chesterton*, No. 09-cv-726-slc (W.D. Wis. Nov. 21, 2012), Order at 4 (citing MDL court’s website, <http://www.jpml.uscourts.gov/panel-info/overview-panel>). Revisiting the MDL court’s rulings or excusing a party’s non-compliance with the MDL court’s scheduling orders would undermine these goals.

IT IS HEREBY ORDERED THAT:

1. CBS Corporation’s request for discovery prior to trial is **DENIED**, except as agreed upon by the parties in the Joint Pretrial Status Report;
2. The parties are not permitted to file case-dispositive motions; and
3. On **August 7, 2013 at 10:00 a.m. (CST)**, the Court will initiate a conference call to schedule this matter for trial. The parties should also be prepared to discuss deadlines for the pretrial schedule the parties set forth in the Joint Pretrial Status Report.

Dated at Milwaukee, Wisconsin, this 28th day of July, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge